

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
vs. § Cause No. 19CR1434 JB
§
LYRON WOOLRIDGE, §
§
Defendant. §

UNOPPOSED MOTION TO VACATE AND CONTINUE SENTENCING

COMES NOW Lyron Woolridge, through his undersigned attorney, and moves this Court to continue the sentencing hearing currently set for September 23, 2021.

As grounds for this motion, Mr. Woolridge states the following:

1. Mr. Woolridge plead guilty to the offense of Distribution of 50 Grams and More of a Mixture and Substance Containing Methamphetamine (in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)).
2. This Honorable Court has scheduled sentencing for September 23, 2021.
3. The Pre-Sentence Investigation Report (PSR) has not yet been disclosed. The parties require the PSR in order to prepare for sentencing.
4. According to Rule 32(e)(2), the parties should be provided a minimum of 35 days between disclosure of the PSR and sentencing.
5. Once the PSR is disclosed, counsel will require time to review the PSR with Mr. Woolridge, and file a sentencing memorandum and any objections.

6. The requested continuance will not give rise to a Speedy Trial Act violation. Fed. R. Crim. P. 32(b)(1) rather than the Speedy Trial Act governs time to sentencing. Rule 32 establishes that courts must impose sentence without unnecessary delay. Fed. R. Crim. P. 32(b)(1). Fed. R. Crim. P. 45 provides courts with authority to extend the time a party has to perform an act for good cause, although "without unnecessary delay" is not a precise quantity of days as many deadlines within the Rules are. Rule 45 allows time to be extended for good cause. Good cause exist here.

7. Assistant United States Attorney Letitia Carroll Simms does not object to the requested continuance.

WHEREFORE, for all of the foregoing reasons, Defendant Lyron Woolridge respectfully requests that this Honorable Court vacate and continue the sentencing hearing of September 23, 2021, for at least 45 days.

Respectfully submitted,

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[Electronically filed on 9/9/21]
Melissa Ayn Morris
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